



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/501,708

07/16/2004

Konrad Roeingh

HM-594PCT

5110

7590
FRIEDRICH KUEFFNER
317 MADISON AVENUE
SUITE 910
NEW YORK, NY 10017

11/27/2007

EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/501,708
Filing Date: July 16, 2004
Appellant(s): ROEINGH ET AL.

MAILED

NOV 27 2007

GROUP 3600

Roeingh et. al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/9/07 appealing from the Office action mailed 9/28/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,099,731	Salter, Jr.	7-1978
4,022,480	Salter, Jr.	5-1977

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claim 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salter, Jr. (US. 4,099,731, now referred to as Salter) in view of Salter Jr. (US. 4,022,480, now referred to as Salter '480).

Salter discloses rolling device with at least one roll (14) rotatably supported in a stand and with at least one sealing device that seals the roll against a stationary area (stationary area having surfaces 50 and 52) of the rolling device. The seal device comprising at least one annular body (seal 38) supported on a roll neck (neck 16) and encompasses the roll neck (the seal encompasses the roll neck 16). The annular body being provided with at least one outwardly extending lip (lips 104b and 106b) that rests against and seals a stationary part (part having surfaces 50 and 52) during rotation of the roll. The annular body comprises at least two parts (38a and 38b). The first part rests against a part of the roll (part of 38a that rests against the roll 14 having the roll neck 16) and the second part comprises the at least one outwardly extending lip and the second part is held in a pocket of the first part (the second part is held in a pocket of the first part). The second part encompasses at least one lip directed axially in the direction of the barrel of the roll and one lip directed axially in the opposite direction (the lips 104b and 106b are in opposite direction). The first part and the second part have different moduli of elasticity (since the material of the two parts are different it would have different moduli, column 5, lines 50-54). The first part and the second part have different surface hardness values (this is also true because they are formed of two different material). The first and the second part consist of different material (column 5, lines 50-54). The lip or lips consist of an elastic rubber material.

Art Unit: 3676

The limitations the second part is in a recess of the first part (as seen in figure 1, the second part 38b is in a recess of the first part 38a).

Salter discloses the invention substantially as claimed above but fails to disclose that the lip or lips are spring supported. Salter '480 discloses a roll neck having a sealing device that has lips (lips of figure 1 which do not have spring support) and lips (lips showed in figure 4 that have spring supports 110). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the lips of Salter to have spring supports as taught by Salter '480, to provide additional means for urging (column 5, line 64-column 6, line 5 of Slater '480).

(10) Response to Argument

Appellants' arguments filed 10/9/07 have been fully considered but they are not persuasive.

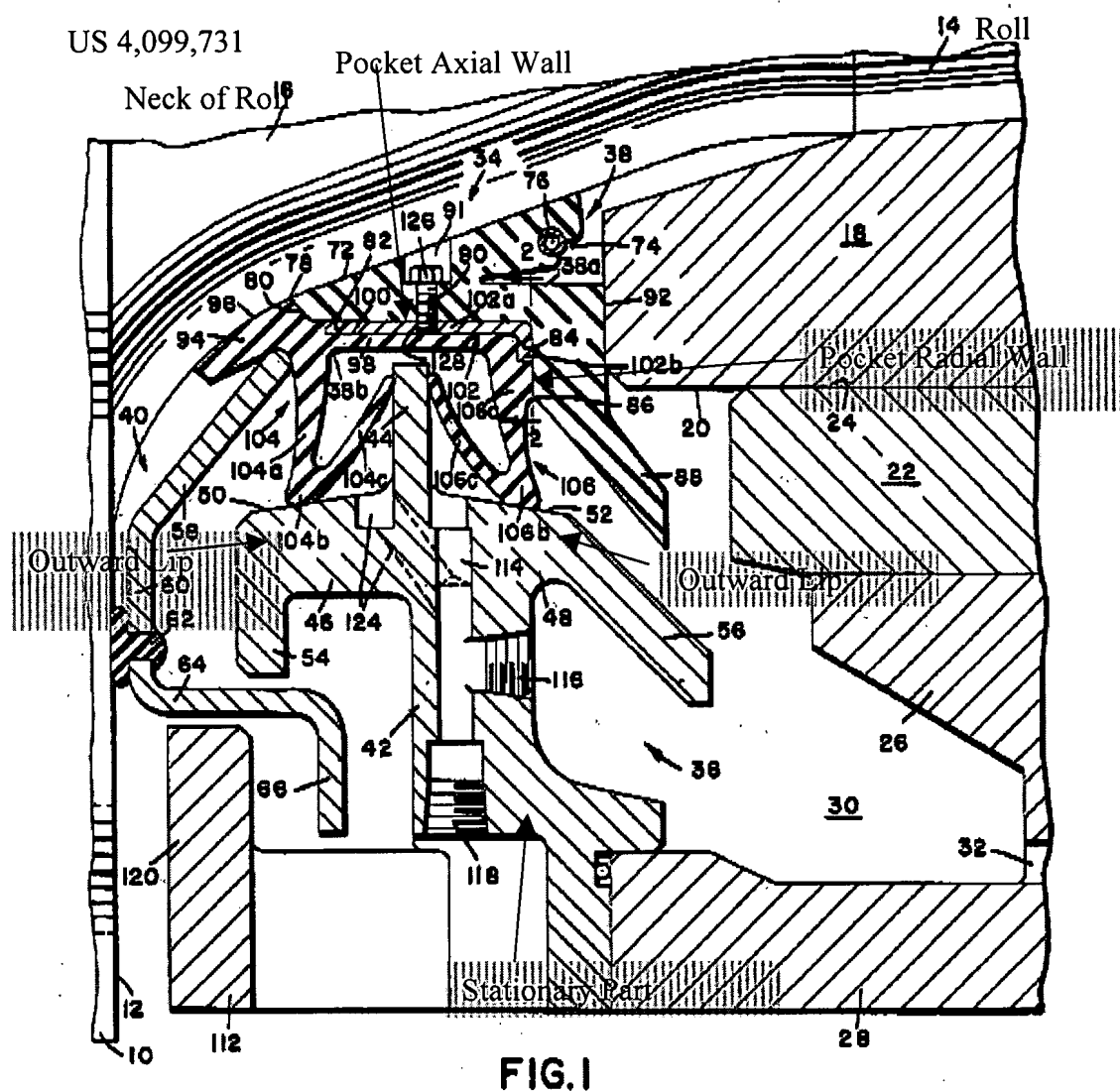
Response to arguments for claims 1-6 and 8 rejected by Slater in view of Slater '480:

Appellants' arguments that Slater does not disclose a pocket in a first part of the annular body that receives a second part of the annular body is not persuasive because Slater teaches a first part 38a that has a pocket having radial and axial wall (see figure below) and a second part 38b that is received in the pocket of the first part (see figure below). Furthermore a pocket meaning cavity and cavity is an unfilled space within a mass (in the case of Slater the first part has a cavity that is formed by the radial and axial walls which is an unfilled space within a mass, see figure below). Emphasis is added that applicant has not claimed any particular structure of the pocket and the word pocket is given the broadest definition from the Webster Collegiate Dictionary.

Appellants' argument that Slater discloses second segment 32b is specifically laid on a cylindrical outer surface 82 of the first part is not persuasive because the second segment 32b is laid in a pocket that is formed by the outer cylindrical outer surface 82 and a radial wall 84.

Appellants' argument that Slater discloses an L-shape formed by outer cylindrical surface 82 and a radial wall 84 is correct but this is a form of the pocket (pocket having an L-shape).

The outward lips in the figure below are 104b and 406b.



In response to appellants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the pocket **has a surrounding groove that is closed on two sides**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to appellants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. no need for a screw or a metal strip) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to appellants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. only two parts, defined on page 9 lines 6 of the appeal brief) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants' argument that Slater '480 does not teach a pocket is correct but Slater '731 teaches a pocket having axial wall and radial as defined in figure below and furthermore Slater '480 is only used to teach that a sealing lip is spring-supported (figure 4 of Slater '480).

Only reason for citing Pringle is to teach that a pocket that holds a sealing element can be formed of an L-shape pocket as defined in figure 1 and a groove having two walls that close the groove to form a pocket as defined in figure 5.

Art Unit: 3676

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

VP , VP

Conferees:

Vishal Patel, VP

Patricia Engle, *PE*

Meredith Petravick, *MP*

Vishal Patel
VISHAL PATEL
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600